

Article - Environment

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§15–821.

(a) (1) The Department shall serve written notice of a violation on the permittee or person required to have a permit, specifying the facts constituting the apparent violation if the Department has reason to believe that a violation of this subtitle, any rules or regulations adopted under this subtitle, or the terms and conditions of a permit, including the approved mining and reclamation plan has occurred.

(2) The Department also shall inform the permittee or person required to have a permit of the right to a hearing. Subsequent to or concurrent with service of the written notice, the Department may suspend the permit or issue an order requiring necessary corrective actions be taken within the time prescribed in its order.

(b) Any person that receives a notice of suspension or violation or an order under this section may request in writing a hearing before the Department not later than 10 days after the date the order is served, in which case a hearing shall be scheduled within 10 days from receipt of the request. The permittee or person required to have a permit may appear at the hearing, either personally or through counsel, and present evidence. The Department shall render a decision regarding the violation within 30 days from the date of the hearing.

(c) The Department may revoke the permit if the violation is not corrected.

(d) Any permittee whose permit is suspended or revoked shall be denied a new permit or a renewal of the old permit to engage in mining until the permittee has complied fully with:

(1) The provisions of this subtitle;

(2) Any regulations adopted under this subtitle; and

(3) The terms and conditions of the permittee's permit, including any modifications, and the approved mining and reclamation plan, and until the permittee has satisfactorily corrected all previous violations.

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